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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,160	06/26/2001	Paul G. Allen	4000.2.46	2381
32641	7590	12/08/2004	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			PARSONS, CHARLES E	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/892,160

Applicant(s)

ALLEN, PAUL G.

Examiner

Charles E Parsons

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-24, 27-44 and 47-60 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 25, 26, 45 and 46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1,4,20,21,24,40,41,44,60 are rejected under 35 U.S.C. 102(e) as being anticipated by Yonezawa.

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Claim 1, 20, 21, 40, 41, 60: A method for establishing two-way video communication between a plurality of terminals connected by a network, the method comprising:

receiving at a first terminal a plurality of video streams, each video stream being generated by a video camera associated with a different terminal; (See Yonezawa column 7 lines 14-19 as well as column 8 lines 38-44.)

simultaneously displaying the plurality of video streams on the first terminal', (See figure 5A)

detecting a user selection of one of the video streams being displayed', and (See Yonezawa column 19 lines 45-59)

establishing two-way video communication between the first terminal and the terminal associated with the selected video stream. (See Yonezawa column 20 lines 20-38)

Claim 4, 24, 44: The method of claim 1, wherein displaying comprises arranging the plurality of video streams in a grid format on the first terminal. (See Yonezawa figure 5A.)

***Claim Rejections - 35 USC § 103***

1. Claims 2, 3, 10, 12-14, 18, 19, 22, 23, 30, 32-34, 38, 39, 42, 43, 50, 52-54, 58, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa as applied to claim 1 above, and further in view of Standridge.

Claim 2, 19, 22, 39, 42, 59: The method of claim 1, wherein at least one video stream comprises a live video stream generated by a web cam. (While Yonezawa does not teach the use of web cams, at the time the invention was made, the use of web cams was well known in the art. See Standridge column 1 lines 23-35 as well as lines 52-58 wherein he teaches that web cams may be used for video conferencing purposes. Therefore it would have been obvious to one of ordinary skill in the art to replace Yonezawa's cameras with web cams to make the invention as claimed.)

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Claim 3, 23, 43: The method of claim 1, wherein at least one video stream comprises a pre-recorded video stream in response to the video camera associated with the selected video stream being currently inactive. (See Standridge column 1 lines 23-35 wherein he teaches that web cams post video to a website and the saved video can then be downloaded. It would have been obvious to one of ordinary skill in the art that if the web cam is inoperable, saved video would still be viewed.)

Claim 10, 18, 30, 38, 50, 58: The method of claim 1, wherein establishing comprises:  
displaying a video communication window on the first terminal; (See Yonezawa figure 5A)  
capturing a first video stream using a video camera associated with the first terminal ;  
(See figure 20 of Yonezawa)

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transmitting the first video stream to the second terminal for display thereon; (See Standridge figure 1)

receiving a second video stream from the second terminal; and (See Standridge figure 1)  
displaying the second video stream in the video communication window on the first terminal. (See Yozenawa figure 20)

Claim 12, 32, 52: The method of claim 1, further comprising: Caching at least one video stream generated by a video camera. (See Standridge column 1 lines 28 and 29 note that this is one of the main features of web cams.)

Claim 13, 33, 53: The method of claim 12, wherein the at least one video stream is cached at a location selected from the group consisting of the terminal from which the video stream originated, the first terminal, a satellite broadcast center, and a cable head-end. (At the time the invention was made it was well known in the art that video could be cached anywhere there was sufficient memory to store it. Therefore it would have been a matter of obvious design choice on where to store it. Thus it would have been obvious to one of ordinary skill in the art to store the cached video in any of the claimed locations motivated by the knowledge that a sufficient memory means would be required.) Official notice served.

Claim 14, 34, 54: The method of claim 12, further comprising'. detecting a user selection of one of the video streams being displayed', retrieving a cached copy of an earlier-in-time segment of the selected video stream; and displaying the cached copy of the earlier-in-time segment on the first terminal. (See Standridge column 1 lines 23-35, clearly if a particular stream is selected and the webcam is storing video, the recorded video could be displayed.)

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2. Claims 7-9, 15-17, 28, 29, 35, 47-49, 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa as applied to claim 1 above, and further in view of Dureau.

Claim 7, 15, 27, 35, 47, 55: The method of claim 1, wherein at least one terminal comprises an interactive television system. (While Yonezawa does not teach that his system is used as part of an interactive television system, at the time the invention was made it was well known that multiple video streams were sent via an interactive television system for subsequent selection by a user see Dureau abstract. Therefore it would have been obvious to one of ordinary skill in the art to use a interactive television system for the simultaneous display of multiple video sources motivated by the teaching of Dureau that the television medium has a higher available bandwidth over typical internet connections see column 1 lines 41-55)

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Claim 8, 28, 48: The method of claim 1, wherein receiving comprises selectively receiving video streams corresponding to entries in a video phonebook. (See Yonezawa column 8 lines 27-45 while it is not a video phone book every camera has its own identifier. At the time the invention was made it would have been obvious to one of ordinary skill in the art to use a phone number to identify which camera to selectively receive video from since each video source will have a distinct number associated with it.)

Claim 9, 29, 49: The method of claim 1, wherein detecting comprises: moving a selection outline around a displayed video stream in response to user activation of navigational buttons on a remote control device', and detecting user activation of a specifically-designated button on the remote control device for establishing two-way video communication. (The use of remote controls with buttons for specific uses was well known. Further more it would have been obvious to one of ordinary skill in the art to use a remote control considering

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that at the time the invention was made, set top boxes for interactive television had remote controls shipped with them.) Official notice served

16,,36, 56. The method of claim 15, wherein the intermediate network node comprises a cable head-end.

17, 37, 57. The method of claim 15, wherein the intermediate network node comprises a satellite broadcast center.

As for claims 16,56,17,and 57 See Dureau column 6 lines 32-45

3. Claim 11, 31, 51 rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa and Standridge as applied to claim 10 above, and further in view of Kannes.

Claim 11, 31, 51: The method of claim 10, further comprising: enlarging the selected video stream as displayed on the first terminal relative to the non-selected video streams, wherein the enlarged video stream comprises the video communication window. (While Yonezawa make no mention of enlarging a selected stream, he does show the selection of particular stream. However at the time the invention was made, enlarging certain areas for viewing was well known in the art and widely practiced in the video conferencing art, see Kannes figure 4A as well as column 8 lines 13-53. Therefore it would have been obvious to <sup>one</sup> ~~the~~ of ordinary skill in the art to enlarge the selected video stream motivated by the desire to get a better look at the subject at hand.)

***Allowable Subject Matter***

1. Claims 5,6,25,26,45,46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The ticker display of live video streams claimed and illustrated in figure 9 was not found in a prior art search nor considered obvious by the examiner.

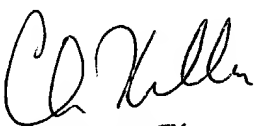
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally be reached on M-TH 7AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CEP



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